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8449M EXAM	6590		
EXAM	INER		
	EXAMINER		
HARDEE	HARDEE, JOHN R		
ART UNIT	PAPER NUMBER		
1751 DATE MAILED: 09/15/200			
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL BUSINESS CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)			
		10/090,911	DEMEYERE ET AI	L.		
	Office Action Summary	Examiner	Art Unit			
_		John R. Hardee	1751			
Period fo	The MAILING DATE of this communication a r Reply	ppears on the cover sheet with the	correspondence add	dress		
WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPERIOR IS LONGER, FROM THE MAILING asions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication, period for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by state eply received by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO 1.136(a). In no event, however, may a reply be tiled will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed in the mailing date of this co ED (35 U.S.C. § 133).	;		
Status						
1)	Responsive to communication(s) filed on					
·		nis action is non-final.				
3)						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5)□ 6)⊠ 7)□	Claim(s) 24 and 30-58 is/are pending in the 44a) Of the above claim(s) 58 is/are withdrawn Claim(s) is/are allowed. Claim(s) 24 and 30-57 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and	n from consideration.				
Applicati	on Papers					
9)□	The specification is objected to by the Exami	ner.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
	Applicant may not request that any objection to the					
11\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Replacement drawing sheet(s) including the correct to oath or declaration is objected to by the	* * * * * * * * * * * * * * * * * * * *	-			
,—		Examiner. Note the attached Office	s Action of Ionn's	0-132.		
•	ınder 35 U.S.C. § 119					
a)[Acknowledgment is made of a claim for foreignal All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Buresee the attached detailed Office action for a life	ents have been received. ents have been received in Applicationity documents have been received in PCT Rule 17.2(a)).	tion No red in this National	Stage		
Attachmen	t(s)			•		
2) Notic 3) Infor	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail D 5) Notice of Informal C 6) Other:	Date			

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 28, 2006 has been entered.

Election/Restrictions

2. Newly submitted claim 58 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: This method and the originally presented method are mutually exclusive. Either the first rinse is performed in the presence of a dialkyl quat, as in the originally presented claims or it is not, as in claim 58

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 58 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 24 and 30-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/57259 in view of Merz, US 3,888,391 for the reasons of record in the previous office action.

Response to Arguments

5. Applicant's arguments filed August 28, 2006 have been fully considered but they are not persuasive. Applicant argues that the Merz reference, while disclosing a device for dispensing fabric softener in a first rinse, does not suggest using this device to dispense fabric softener in a manual rinse process. While this is correct, it is not persuasive because Merz was relied upon only for the teaching that fabric softener may be used in a first rinse process of *some* sort—that one or more rinses to remove residual detergent prior to adding fabric softener are not necessary.

The art is combinable because both references address the problem of softening fabric.

- 6. Based on previous interviews, the examiner understands that applicant is in the process of collecting evidence of commercial success. As a courtesy to applicant, this action is NOT FINAL.
- 7. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Mr. Douglas McGinty, may be reached at (571) 272-1029.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John R. Hardee Primary Examiner

September 12, 2006